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AL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

File No. SLD-27572

CC Docket No. 96-45

CC Docket No. 97-21

PETITION FOR RECONSIDERATION

New Albany-Floyd County Consolidated School Corporation ("Petitioner"), pursuant to Section 1.106 of the Rules (47 C.F.R. §1.106), hereby requests that the Chief Common Carrier Bureau ("Bureau") reconsider and reverse the decision taken by Order DA 99-2298, released October 25, 1999, and render a decision on the merits of Petitioner's Request for Review of the Universal Service Administrator's determination. In support, the following is submitted.

1. The Order, a copy of which is appended as Attachment A, dismissed, without further consideration, Petitioner's Request for Review, filed April 26, 1999, and supplemented May 28, 1999. It does not appear that the Administrator responded to either filing.

2. The sole ground for the Bureau's dismissal was that the Petitioner's appeal was not filed within thirty (30) days of the Administrator's ruling, i.e., by April 23, 1999. In fact, Petitioner's appeal was timely.

3. Attachment B hereto is a copy of the FCC's Daily Digest dated April 13, 1999, as posted on the Internet. As an item released April 12, 1999, but not listed on the previous day's Daily Digest, is a Public Notice that the FCC would be closed on Friday, April 23, 1999, and that all filings due on that date would be accepted as timely on the next official work day.

4. Attachment C hereto is a copy of that Public Notice. Because of activities associated with the 50th Anniversary NATO Summit, the FCC, as well as a number of other agencies, closed on April 23. The Public Notice also states that all filings due that day would be timely if filed on the next official work day, i.e., Monday, April 26, 1999.

5. Attachment D hereto is a copy of the letter transmitting Petitioner's appeal to the FCC. It bears the date stamp of the Office of the Secretary of April 26, 1999. The letter also specifically references the Commission's closing on April 23, and the fact that the Request was timely.

6. It is obvious that the Order is based upon an erroneous statement of facts. Accordingly, it should be rescinded, and Petitioner's case should be decided on the merits.

Respectfully submitted,

**NEW ALBANY-FLOYD COUNTY
CONSOLIDATED SCHOOL CORPORATION**

By: _____


James A. Koerner
Its Attorney

Date: November 1, 1999

KOERNER & OLENDER, P.C.
5809 Nicholson Lane
Suite 124
North Bethesda, MD 20852-5706
(301) 468-3336

ATTACHMENT A

Federal Communications Commission

DA 99-2298

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
New Albany-Floyd County)	File No. SLD-27572
Consolidated School Corporation)	
New Albany, Indiana)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Changes to the Board of Directors of the)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.)	

ORDER

Adopted: October 25, 1999

Released: October 25, 1999

By the Common Carrier Bureau:

1. This Order dismisses the Letter of Appeal filed April 26, 1999 by the New Albany-Floyd County Consolidated School Corporation, which seeks review of the Administrator's Decision on Appeal, dated March 24, 1999. Under 47 C.F.R. § 54.720, any such appeal must be filed within thirty (30) days of the issuance of the decision as to which review is sought. Although the Letter of Appeal was dated April 22, documents are considered to be filed with the Commission only upon receipt, 47 C.F.R. § 1.7, which in this case was April 26. Because the instant Letter of Appeal was not filed within the specified thirty (30) day period, that is, on April 23, 1999, it will be dismissed without further consideration.

2. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Letter of Appeal filed April 26, 1999 by the New Albany-Floyd County Consolidated School Corporation IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION


Lawrence E. Strickling
Chief, Common Carrier Bureau

ATTACHMENT B

DAILY DIGEST

RS

Vol. 18, No. 70

April 13, 1999

****Before an entry denotes that the item is part of the FCC's implementation of the 1996 Telecom Act. While we will attempt to flag all Telecom Act-related items, this marking is unofficial and informational only.**

NEWS RELEASES

ERRATUM TO BROADCAST STATION TOTALS RELEASED APRIL 12, 1999. MMB. Internet URL:
http://www.fcc.gov/Bureaus/Mass_Media/News_Releases/1999/nrmm9009.wp

PUBLIC NOTICES

Released: April 13, 1999. TARIFF TRANSMITTAL PUBLIC REFERENCE LOG: APRIL 12.

Report No: 2325. Released: April 13, 1999. PETITIONS FOR RECONSIDERATION AND CLARIFICATION OF ACTION IN RULEMAKING PROCEEDINGS.

Report No: 44469. Released: April 13, 1999. BROADCAST ACTIONS. Internet URL:
http://www.fcc.gov/Bureaus/Mass_Media/Public_Notices/Brdest_Actions/ac990413.txt

Report No: 24469. Released: April 13, 1999. BROADCAST APPLICATIONS. Internet URL:
http://www.fcc.gov/Bureaus/Mass_Media/Public_Notices/Brdest_Applications/ap990413.txt

Report No: 24469A. Released: April 13, 1999. BROADCAST APPLICATIONS. Internet URL:
http://www.fcc.gov/Bureaus/Mass_Media/Public_Notices/Brdest_Applications/pnmm9045.wp

Report No: 2324. Released: April 13, 1999. OFFICE OF PUBLIC AFFAIRS REFERENCE OPERATIONS DIVISION PETITIONS FOR RULEMAKING FILED. Internet URL:
http://www.fcc.gov/Bureaus/Miscellaneous/Public_Notices/1999/pnmc9029.wp

Report No: 2036. Released: April 13, 1999. WIRELESS TELECOMMUNICATIONS BUREAU WEEKLY RECEIPTS AND DISPOSALS.

TEXTS

PETITIONS FOR FCC ASSUMPTION OF JURISDICTION OF LOW TECH DESIGNS, INC.'S
PETITIONS FOR ARBITRATION. Denied petition for reconsideration filed by Low Tech Designs. Dkt
No: CC- 97-163 Action by the Commission Adopted: April 9 1999 by Order on Recon. (FCC No. 99-71).

CCB

PORT TOWNSEND CABLE TV LIMITED PARTNERSHIP D/B/A SUMMIT CABLEVISION. Dismissed complaint in Chelan, Washington because the complaint concerned a rate that is outside the jurisdiction of the FCC. Action by Acting Chief, Financial Analysis and Compliance Division. Adopted: April 8, 1999. by Order. (DA No. 99-688). CSB

ADDENDA: The following items, released April 12, 1999, did not appear in Digest No. 69:

PUBLIC NOTICES

Released: April 12, 1999. COMMON CARRIER BUREAU ANNOUNCES INITIATIVE TO UNDERTAKE COMPREHENSIVE REVIEW OF PART 32 AND ARMIS REQUIREMENTS. Contacts: Tim Peterson at (202) 418-1575, TTY (202) 418-0484 or JoAnn Lucanik at (202) 418-0873. (DA No. 99-695). Internet URL: http://www.fcc.gov/Bureaus/Common_Carrier/Public_Notices/1999/da990695.wp

Released: April 12, 1999. NEW PLEADING CYCLE ESTABLISHED IN CC DOCKET 99-35 TIME EXTENDED FOR FILINGS INVOLVING LONG-TERM NUMBER PORTABILITY TARIFF FILINGS OF U S WEST COMMUNICATIONS, INC. Direct cases due: April 26, oppositions due: May 7, rebuttals due: May 17; contact Josephine Simmons at (202) 418-1530. (DA No. 99-697). Internet URL: http://www.fcc.gov/Bureaus/Common_Carrier/Public_Notices/1999/da990697.wp

Released: April 12, 1999. FCC CLOSES ON FRIDAY, APRIL 23, 1999. All filings, paper and electronic, due on April 23, 1999, will be accepted as timely on the next official work day. Internet URL: http://www.fcc.gov/Bureaus/Miscellaneous/Public_Notices/1999/pnmc9028.wp

TEXTS

ALEXIAN BROTHERS HOSPITAL. Granted Alexian's request for waiver to grandfather its existing Special Emergency Radio Service paging system in San Jose, CA. Action by Chief, Public Safety and Private Wireless Division. Adopted: April 12, 1999. by Order. (DA No. 99-694). WTB Internet URL: <http://www.fcc.gov/Bureaus/Wireless/Orders/1999/da990694.wp>

FCC HOME PAGE Headlines Commissioners Bureaus/Offices Finding Info

ATTACHMENT C

Released: April 12, 1999

FCC CLOSES ON APRIL 23, 1999

The U.S. Office of Personnel Management has issued guidance for the closing of certain federal agencies on Friday, April 23, as a result of the planned activities associated with the 50th Anniversary NATO Summit. In accordance with this guidance, the FCC will be closed on Friday, April 23, 1999. All filings, paper and electronic, due on April 23, 1999, will be accepted as timely on the next official work day.

-FCC-

ATTACHMENT D

BARAFF, KOERNER & OLENDER, P.C.

ATTORNEYS AT LAW

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MD (301) 986-0500

FAX (301) 986-4844

ROBERT L. OLENDER*
JAMES A. KOERNER

*NOT ADMITTED IN MD

April 26, 1999 APR 26 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

B. JAY BARAFF (Ret)

OF COUNSEL
ROBERT BENNETT LUBIC*

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals, TW-A325
445 Twelfth Street, S.W.
Washington, DC 20554

FILE COPY

Re: Request for Review under
FCC Docket Nos. 97-21 and 96-45

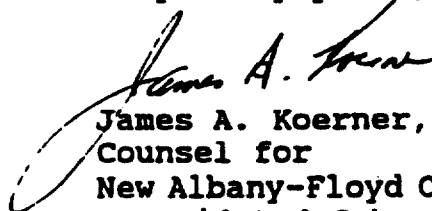
Dear Ms. Salas:

On behalf of New Albany-Floyd County Consolidated School Corporation, there are transmitted herewith an original and four (4) copies of a Request for Review, seeking de novo review by the Common Carrier Bureau of a decision by the Universal Service Administrator to deny funding.

This Request for Review is timely filed in light of the Commission's closing on April 23, 1999.

Should additional information be necessary in connection with this matter, please communicate with this office.

Very truly yours,


James A. Koerner,
Counsel for

New Albany-Floyd County Consol-
idated School Corporation

cc: Mr. Roger Whaley (w/o enc.)

CERTIFICATE OF SERVICE

I, Molly M. Parezo, a secretary in the law offices of Koerner & Olender, P.C., do hereby certify that a copy of the foregoing "Petition For Reconsideration" was served this 1st day of November, 1999, via first class mail, postage prepaid upon the name listed below:

Fund Administrator – Schools and Libraries Corporation
Box 125 – Correspondence Unit
100 South Jefferson Road
Whippany, NJ 07981


Molly M. Parezo